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SUBJECT: Government, CNDP agree on moving Goma process forward

1. (SBU) Summary: Government and CNDP delegations agreed in Goma February 13 that the Technical Commission charged with overseeing implementation of the Kivu Conference's Acte d'Engagement will be officially empowered and have decision-making authority, and that CNDP will have input to its mission statement. Agreement followed a critical intervention by Conference President Apollinaire Malu Malu during the morning meeting, which included participation by international facilitators (MONUC, U.S., EU, UK). CNDP representatives planned to return to Kitchanga that afternoon for consultations and committed to preparing by February 16 a position paper on elements to be included in the mission statement. End summary.

2. (SBU) The three-way discussions at the Karibu Hotel got underway at 9 a.m. following arrival -- under their own power -- of the CNDP delegation from Kitchanga. On the agenda: the Presidential "Amani" decree, the government's proposed structure of the Technical Commission and the way forward on the Acte d'Engagement.

3. (SBU) The government delegation was headed by Interior Minister Denis Kalume, and included Kivu Conference President Apollinaire Malu Malu and Naval chief of staff Vice-Admiral Didier Lutumba, North Kivu Governor Julien Paluku, Vice Governor Feller Lutaichirwa, and 8th Military Region Commander General Vainqueur Mayala and Deputy Commander Colonel Delphin Kahimbi. The CNDP delegation was composed of political spokesman Rene Abandi, political adviser Bertrand Bisimwa and military spokesman Seraphin Mirindi. International facilitators were SRSG Chief of Staff John Almstrom of MONUC, Ben Shepherd of the UK, Colonel Pechoux (Belgium) of EUSEC and USAID's Nicholas Jenks and Willet Weeks.

4. (SBU) The Congolese side kicked off the meeting by stating that they had come to the Kivus to explain the decree and its associated "organigram" to all Amani stakeholders, and in this instance to CNDP. CNDP spent most of its air time on familiar process complaints. They brought up situational issues to reinforce their broad contention that the government was not acting in the spirit of the conference. Malu Malu and Kalume had their work cut out for them but made overall a decent job of it.

CNDP Grievances

5. (SBU) Alleged lack of consultations and of authority for Kivu-based sub-commissions were the core CNDP grievances: they complained CNDP was not consulted or allowed to provide substantive input prior to issuance of the decree, and should have been; and the decree localizes all real decision making in Kinshasa, completely disempowering the local structures. They also objected that the government would have an unlimited number of seats on the Technical

Commission and its various sub-commissions, whereas CNDP participation would be limited at all levels.

¶6. (SBU) CNDP also called for the decree to be retracted or significantly modified. They claimed that unilateral actions by the government were putting the process back to pre-conference days. They expressed concern that the government's presentation sounded like "take it or leave it," and threatened to leave the process. CNDP, they said, may have to go back to a more "defensive" posture vis-a-vis the FARDC.

¶7. (SBU) Addressing situational issues, they said they were surprised, annoyed and offended by statements they contended were agreed to by the Congolese and Ugandan defense ministers in Beni numbering CNDP among "negative forces." They are seeing more FARDC military near their positions in recent days, and claimed that PARECO forces recently killed two CNDP, and kidnapped a further ten, and that three FARDC battalions had recently joined forces with PARECO.

GDRC Rebuttal

¶8. (SBU) The Congolese side explained that the Amani decree legitimizes the Acte by making its implementation an official GDRC program, reflecting official GDRC policy. It also creates a vehicle through which implementing funds can be channeled, and without such a vehicle, implementation would be blocked. They urged not getting tied up in knots about the decree, but rather focus on implementing the Acte. The decree does not compromise the Acte, to the contrary it legitimizes it.

¶9. (SBU) Kalume added that CNDP needed to look objectively at what

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the government had done to implement the Acte. It had ceased all military action, obtained the approval of the Council of Ministers to move forward on implementation, and come to Goma to move the process forward. It had also issued a decree to implement the Nairobi communique, will issue a new decree designating government, CNDP and international participants, and generally had demonstrated the political will to move things forward.

¶10. (SBU) There then followed a number of exchanges, which became an argument. CNDP insisted that the local structures were disempowered and that the government was not operating in the spirit of peace process. The government denied this, saying that the MTCPS was empowered and that there would be internal operating procedures adopted by/by the Technical Commission once it is constituted. These procedures will obviously have the input of CNDP, as it will be represented on the Commission.

¶11. (SBU) Malu Malu then reiterated the need to move forward and get the CNDP names for representation on the commissions. CNDP countered that they had not been afforded the opportunity to provide input, and reiterated their request that the GDRC permit this to happen.

¶12. (SBU) At this point, Malu Malu made a concession that brought the meeting out of the existential wilderness of whether the Commission is or is not empowered or has decision-making authority by offering that the next decree -- which will name participants -- also include a section that clarifies that the Commission and its sub-commissions are officially empowered and have decision-making authority, and that the CNDP will have input into its mission statement. This allowed the meeting to reach agreement on a way forward. (Note: No mention was made during the meeting of other armed groups, although they would also have one or more seats on the commission. End note.)

Elements of Agreement and the Way Forward

¶13. (SBU) The two sides agreed that CNDP would consult internally

and come up with a position paper on what should be included in the Commission's mission statement by February 16. The CNDP delegation planned to travel back to Kitchanga that afternoon to begin this process. International facilitators agreed to meet the same afternoon to begin developing a position paper or bullets on the Mission Statement and thereafter as needed.

¶14. (SBU) Government, CNDP and international facilitators agreed to meet at MONUC February 16, with a view to developing consensus language to be transmitted to Kinshasa to inform the next decree. MONUC agreed to investigate the accusations against PARECO, and the issue of the three FARDC battalions.

¶14. (SBU) MONUC's Almstrom informed us that he will be focusing primarily on these issues over the next three weeks and that this was his highest priority. He will also be reinforcing MONUC staff for this purpose.

Comment

¶15. (SBU) The government delegation did a credible job of repositioning the decree and the organigram, to some extent making up for the ham-handed way this was handled. It seems clear that neither side wants to be blamed for the process falling apart, and this consideration is motivating both sides to keep the process moving forward. End comment.

GARVELINK